

Exhibit C

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1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 - - -
4
5 ARTHUR LEE ALFRED, II,)
6 et al.,)
7 Plaintiff,) CASE NO.
8 vs.) 2:18-cv-08074-CBM-AS
9 THE WALT DISNEY COMPANY,)
10 et al.,)
11 Defendants.)
12 -----

13 DEPOSITION OF
14 JAMES MCDONALD
15 HELD REMOTELY FROM LOS ANGELES, CALIFORNIA
16 JUNE 16, 2021
17 11:04 A.M. PACIFIC TIME
18
19
20

21 Atkinson-Baker, a Veritext Company
22 (800) 288-3376
23 www.depo.com

24 REPORTED BY: SUSAN M. GEE, RMR, CRR
25 FILE NO.: AF04301

James McDonald
June 16, 2021

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1 research into the pirate genre and pirate movies and 12:29:48
2 stuff and wrote up a whole bunch of notes about what 12:29:55
3 in the script, what was in the script. 12:30:03

4 Q. Do you -- well, let's break that down a 12:30:14
5 little bit. First of all, do you know who Mr. Nowak 12:30:16
6 is? 12:30:19

7 A. Yes. 12:30:20

8 Q. Who? 12:30:20

9 A. Ed Nowak is the head of the litigation 12:30:22
10 department for Disney. He's the general counsel for 12:30:25
11 litigation at Disney. 12:30:31

12 Q. Got it. And the notes that you took, 12:30:32
13 do you still have those to this day? 12:30:35

14 A. Yes. 12:30:38

15 Q. I guess the question is whether or not 12:30:43
16 we have been provided with those and whether we're 12:30:47
17 entitled to them, and I guess that's an issue we can 12:30:50
18 take up after the deposition. I don't believe we've 12:30:54
19 been provided with them. I'm pretty sure we asked for 12:30:59
20 them, so I guess we'll talk about this with you, 12:31:03
21 Jordan, afterwards. Do you remember what research you 12:31:06
22 did on pirate movies back in 2017? 12:31:11

23 A. Basically, pirate movies. That's where 12:31:18
24 I started because -- I'm sorry? 12:31:21

25 Q. I'm sorry. Can you be more specific? 12:31:25

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1	A.	Well, over the course of my life,	12:31:30
2		movies are my life. I've been working on them for a	12:31:33
3		long time. The ones that I remembered, I started	12:31:39
4		listening, and then I -- there was a -- there's a --	12:31:42
5		there's an Internet site, pirateking.com, that lists	12:31:49
6		300 movies. So I went into there to look for -- you	12:31:56
7		know, I was doing research on those films, looking for	12:32:02
8		common stock elements, what you call scènes à faire.	12:32:10
9		And, yeah, I probably -- specifically what else I did	12:32:17
10		at that time, I don't remember exactly at this point.	12:32:31
11	Q.	Okay. But you do remember	12:32:34
12		pirateking.com?	12:32:37
13	A.	Sure.	12:32:39
14	Q.	And that was because as of July 24th,	12:32:39
15		2017, you tried to educate yourself a little bit more	12:32:43
16		on the pirate genre. Would that be an accurate	12:32:45
17		statement?	12:32:50
18	A.	Well, I'd been looking at the pirate	12:32:51
19		genre for -- by that point, I'd been looking at the	12:32:53
20		pirate genre for some time.	12:32:58
21	Q.	Well, what do you mean by you'd "been	12:33:01
22		looking at the pirate genre for some time"? Why were	12:33:02
23		you looking at the pirate genre prior to July 23rd,	12:33:06
24		2017?	12:33:10
25	A.	Because I had been approached on a	12:33:11

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1 previous Pirates of the Caribbean case and asked for 12:33:12
2 my opinion and consulting talents. 12:33:13

3 Q. Okay. When were you approached on the 12:33:18
4 previous Pirates of the Caribbean case? 12:33:21

5 A. Somewhere around 2005, '6. 12:33:33

6 Q. And did you -- then that was -- you 12:33:38
7 were approached. When you say you were "approached," 12:33:38
8 you were approached by Disney? 12:33:40

9 A. Yes. 12:33:41

10 Q. Okay. And you consulted with respect 12:33:42
11 to that case? 12:33:42

12 A. Yes. 12:33:50

13 Q. And do you recall issuing any sort of 12:33:50
14 written report? 12:33:51

15 A. Not a formal written report, no. I was 12:33:54
16 just a consultant providing work product. 12:33:56

17 Q. Okay. 12:34:01

18 A. So I'd been researching what event for 12:34:01
19 that one, starting back about then. 12:34:07

20 Q. Okay. So what, what research did you 12:34:13
21 do in 2005, if any, regarding pirate movies? 12:34:14

22 A. What I remember was there, I needed to 12:34:24
23 do a bunch of research into ghosts and skeletons and 12:34:26
24 ghost ships and things like that. As I recall, that 12:34:32
25 was the specific issue in that case or any specific 12:34:36

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1	issue. I don't know whether it was the specific	12:34:39
2	issue. That wasn't my -- you know, I was asked to	12:34:42
3	do -- I was asked to look for things that involved	12:34:46
4	those elements.	12:34:50
5	Q. Okay. And that was the extent of it?	12:34:53
6	A. I don't remember.	12:34:58
7	Q. Okay.	12:34:58
8	A. Probably not, no. I would have gone	12:34:58
9	through everything involving, that was involved with	12:35:01
10	that.	12:35:04
11	Q. Well, I don't want you to speculate. I	12:35:05
12	just want you to testify as to what you actually	12:35:06
13	remember.	12:35:09
14	A. The extent to which -- I don't remember	12:35:11
15	the extent to which I did research.	12:35:14
16	Q. Okay. So, now, let's fast forward to	12:35:18
17	July of 2017. So besides going on the pirateking.com	12:35:22
18	website -- well, first of all, let's talk about the	12:35:28
19	pirateking.com website. What's on there?	12:35:31
20	A. A lengthy -- 300 movies are listed with	12:35:35
21	short synopses on them, and that's what I remember.	12:35:40
22	Q. Okay. And based upon --	12:35:48
23	A. They're all pirate movies.	12:35:54
24	Q. Understood. And based upon that, did	12:35:56
25	you kind of make a list of what you considered to be	12:35:57

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1 quote/unquote "scènes à faire"? 12:36:02

2 MR. SEGALL: Objection. Vague and 12:36:06

3 ambiguous. Calls for speculation. Misstates 12:36:07

4 the witness' testimony. 12:36:11

5 A. One of the sources that I pulled, that 12:36:15

6 I explored to pull out some scènes à faire, a bunch 12:36:17

7 of -- most of the movies that I listed in my report 12:36:21

8 were movies I saw. 12:36:25

9 BY MR. LOWE: 12:36:27

10 Q. Okay. 12:36:27

11 A. So many -- 12:36:27

12 Q. Which movies -- 12:36:30

13 A. -- of them I'd seen in the past, and I 12:36:30

14 saw a bunch of them again. The -- yeah. 12:36:32

15 Q. So which movies, which movies did you 12:36:42

16 watch in 2017? 12:36:43

17 A. Oh, boy. Well, I imagine -- no. I'm 12:36:49

18 sorry. Imagine is the wrong word. I'm sure that I 12:36:51

19 watched Cutthroat Island and Goonies. I probably 12:36:58

20 watched Crimson Pirate again, because that's one of my 12:37:02

21 favorites. 12:37:05

22 Q. Wait, wait, wait, wait. Cutthroat 12:37:07

23 Island, Goonies. I'm sorry. What was the third? 12:37:08

24 A. The Crimson Pirate, Burt Lancaster, 12:37:12

25 1954, '2, '3, '4, '5, somewhere in there. 12:37:15

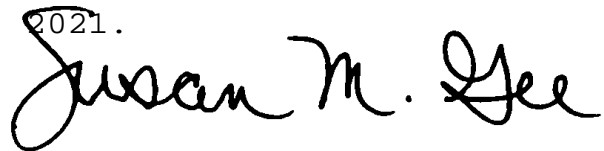
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C E R T I F I C A T E

State of Ohio :
: SS
County of Hamilton :

I, Susan M. Gee, RMR, CRR, the undersigned,
a duly commissioned notary public within and for the
State of Ohio, do hereby certify that before the
giving of his aforesaid deposition, JAMES MCDONALD was
by me first duly sworn to depose the truth, the whole
truth and nothing but the truth; that the foregoing is
the deposition given at said time and place by JAMES
MCDONALD; that said deposition was taken in all
respects pursuant to stipulations of counsel; that I
am neither a relative of nor employee of any of their
parties or their counsel, and have no interest
whatever in the result of the action; that signature
was requested; that I am not, nor is the court
reporting firm with which I am affiliated, under a
contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my
hand and official seal of office at Cincinnati, Ohio,
on this 13th day of July, 2021.



My commission expires: S/ Susan M. Gee, RMR, CRR
September 20, 2025. Notary Public - State of Ohio
Commission No.: 2015-RE-532638

James McDonald
June 16, 2021